

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NIKKI POOSHS,

Plaintiff,

vs.

ALTRIA GROUP, INC., *et al.*

Defendants.

Case No. C 04-01221-PJH-JCS

**~~PROPOSED~~ ORDER RE: PAGELINE
DESIGNATIONS AND OBJECTIONS
[DR. FIGLAR]**

Judge: Honorable Phyllis J. Hamilton

The Court has reviewed the parties January 21, 2015 Joint Submission regarding the page and line designations, counter designations and objections to the deposition of Dr. James Figlar taken on June 8, 2011 (Vol. I); June 9, 2011 (Vol. II); June 10, 2011 (Vol. III.); August 15, 2011 (Vol. VI.); and August 16, 2011 (Vol. VII.). The Courts rulings are as follows:

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 6/8/2011 (Vol. I)		
8:10-12	No objection	
9:5-12	No objection	
15:6-19	No objection	
27:12-27:22	No objection	
27:23-29:2	Asked and Answered (<i>See</i> 27:12—22); Misleading; Unfair Prejudice; Argumentative; Repetitive; Post-1987	<i>sustained</i>
29:5-30:16	Asked and Answered (<i>See</i> 27:12—22); Misleading; Unfair Prejudice; Argumentative; Repetitive; Post-1987	<i>sustained</i>
35:23-36:1	Beyond the scope; Vague; Ambiguous; Lack of Foundation; Argumentative; Speculative; Design Defect No Longer At Issue In This Case	<i>overruled</i>

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 6/8/2011 (Vol. I)		
36:6-25	Beyond the scope; Calls for Legal Conclusion; Vague; Ambiguous; Argumentative; Speculative; Unfair Prejudice and calculated to inflame jury; <i>Williams/State Farm</i> (Nexus/harm to others); Design Defect No Longer At Issue In This Case; Ammoniation/Additives	<i>overruled</i>
39:4-16	Beyond the scope; Calls for a legal conclusion; Vague, Ambiguous and overbroad; Argumentative; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus/harm to others); Non-testimony material	<i>sustained</i>
41:5-42:4	No objection	
42:6-12	No objection	
42:14-16	No objection	
42:19-43:23	No objection	
46:7-24	No objection	
48:1-51:12	No objection	
52:8-53:5	No objection	
55:25-56:6	No objection	
56:11	No objection	
56:13-18	No objection	
57:25-59:11	No objection	
59:21-61:11	No objection	
61:17-24	No objection	
62:8-20	No objection	
62:22-23	No objection	
62:25-63:13	No objection	
63:16-63:16	No objection	
63:18-63:18	No objection	
63:24-64:7	No objection	
65:5-66:3	No objection	
66:13-16	No objection	
67:7-17	No objection	
71:10-20	No objection	
73:7-11	No objection	
75:9-23	No objection	
76:1-15	No objection	
76:19-22	No objection	
76:24-77:5	No objection	
77:7-9	No objection	
77:11-78:8	No objection	
79:3-13	No objection	
80:11-12	No objection	
80:14-16	No objection	
80:19-81:14	No objection	
81:17-82:3	No objection	
82:5-11	No objection	
82:21-83:7	No objection	
84:13-25	No objection	
85:2-86:12	No objection	

Testimony	Defendant's Objections	Court's Ruling
<i>Dr. James Figlar, 6/8/2011 (Vol. 1)</i>		
86:22-87:4	No objection	
88:6-89:22	No objection	
90:8-91:5	No objection	
91:24-92:2	Asked and Answered (<i>see</i> 91:2-5); Irrelevant; Unfair Prejudice	<i>sustained</i>
94:6-9	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); Vague as to Time	<i>sustained</i>
94:12-25	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); Non-testimony material; Vague as to Time; Argumentative	<i>sustained</i>
95:3-95:3	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); Vague as to Time; Asked and Answered	<i>sustained</i>
95:5-9	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); Vague as to Time; Asked and Answered	<i>sustained</i>
96:2-7	Irrelevant; Unfair Prejudice; Post-1987	<i>sustained</i>
96:25-97:12	No objection	
97:22-98:12	No objection	
99:4-100:8	No objection	
100:10-16	No objection	
101:7-20	No objection	
102:1-103:17	No objection	
104:2-104:2	No objection	
104:6-104:6	No objection	
105:1-14	No objection	
105:17-21	No objection	
105:22-106:14	No objection	
107:15-18	Irrelevant; Document speaks for itself; Mischaracterizes document; Unfair Prejudice; Design Defect No Longer At Issue In This Case; Asked and Answered	<i>sustained</i>
107:21-108:2	Irrelevant; Document speaks for itself; Mischaracterizes document; Unfair Prejudice; Design Defect No Longer At Issue In This Case; Asked and Answered	<i>sustained</i>
108:4-108:4	Irrelevant; Document speaks for itself; Mischaracterizes document; Unfair Prejudice; Design Defect No Longer At Issue In This Case; Asked and Answered	<i>sustained</i>
108:7-16	Irrelevant; Document speaks for itself; Mischaracterizes document; Unfair Prejudice; Design Defect No Longer At Issue In This Case; Asked and Answered	<i>sustained</i>
108:19-109:4	Irrelevant; Document speaks for itself; Mischaracterizes document; Unfair Prejudice; Design Defect No Longer At Issue In This Case; Asked and Answered	<i>sustained</i>
109:6-20	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Design Defect No Longer At Issue In This Case; Asked and Answered	<i>sustained</i>
110:15-112:5	No objection	

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 6/8/2011 (Vol. 1)		
112:15-113:8	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Speculative	<i>sustained</i>
113:11-114:21	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Document speaks for itself	<i>sustained</i>
116:4-18	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative	<i>sustained</i>
116:20-22	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative	<i>sustained</i>
116:25-116:25	Irrelevant; Incomplete Designation ; Counsel testifying; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Asked and Answered	<i>sustained</i>
117:2-3	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Asked and Answered	<i>sustained</i>
122:22-123:5	No objection	
124:3-125:14	No objection	
126:4-129:10	No objection	
131:7-132:4	No objection	
139:5-14	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First amendment; Document speaks for itself; Hearsay; Bad conduct evidence	<i>overruled</i>
139:16-141:11	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; First amendment; Hearsay; Bad conduct evidence	<i>overruled</i>
141:17-142:25	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First amendment; Document speaks for itself; Hearsay; Bad conduct evidence	<i>sustained</i>
143:21-24	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official	<i>sustained</i>
144:4-5	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
144:7-9	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
144:11-21	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
145:8-11	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Misleading; Speculative; Lacks foundation; No high-ranking official from Reynolds	<i>sustained</i>

Testimony	Defendant's Objections	Court's Ruling
	<i>Dr. James Figlar, 6/8/2011 (Vol. I)</i>	
145:13-14	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Lacks foundation; Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
145:19-24	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
146:3-148:1	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
148:4-5	Authenticity (document not found in files); Exhibit not related to Defendant; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Bad conduct evidence; No high-ranking official from Reynolds	<i>sustained</i>
152:9-21	Authenticity (not an RJR document); Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself	<i>sustained</i>
153:4-154:8	Authenticity (not an RJR document); Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself	<i>sustained</i>
154:23-155:23	Authenticity (not an RJR document); Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself	<i>sustained</i>
156:2-17	Authenticity (not an RJR document); Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself; Meaning or Intent of Company Documents	<i>sustained</i>
156:19-22	Irrelevant; Lack of Foundation; Misstates evidence; Misleading; Unfair Prejudice	<i>sustained</i>
156:24-157:5	Irrelevant; Lack of Foundation; Misstates evidence; Misleading; Unfair Prejudice	<i>sustained</i>
158:7-17	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself	<i>sustained</i>

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar 6/8/2011 (Vol. 1)		
158:20-159:3	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself	sustained
159:14-159:24	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising; Freedom to Petition); Bad conduct evidence; Hearsay; Document speaks for itself	sustained
159:25-162:3	No objection	
166:21-167:14	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising); Bad conduct evidence; Hearsay; Document speaks for itself	sustained
169:24-171:19	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (Nexus), First Amendment (advertising); Bad conduct evidence; Hearsay; Document speaks for itself	sustained
173:3-18	Irrelevant; Unfair Prejudice; Foundation; <i>Williams/State Farm</i> (nexus)	sustained
174:2-13	Irrelevant; Unfair Prejudice; Foundation; <i>Williams/State Farm</i> (nexus); Speculative	sustained
178:14-179:1	Authenticity (not clean copy); Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; First Amendment; Bad conduct evidence; Cumulative	sustained
179:6-180:1	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> ; Bad conduct evidence; Hearsay; Hearsay within Hearsay; Unsegregated Aggregate Harm	sustained
180:5-22	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> ; Bad conduct evidence; Document speaks for itself; Hearsay; Hearsay within Hearsay; Unsegregated Aggregate Harm	sustained
187:18-24	Irrelevant; Unfair Prejudice; Hearsay; Document speaks for itself; First Amendment (advertising; Freedom to Petition); <i>Williams/State Farm</i> (nexus); Unsegregated Aggregate Harm	sustained
188:24-190:1	Irrelevant; Unfair Prejudice; Hearsay; Document speaks for itself; First Amendment (advertising; Freedom to Petition); <i>Williams/State Farm</i> (nexus); Unsegregated Aggregate Harm	sustained
190:8-191:5	Irrelevant; Unfair Prejudice; Hearsay; Document speaks for itself; First Amendment (advertising; Freedom to Petition); Speculative; <i>Williams/State Farm</i> (nexus); Unsegregated Aggregate Harm; Meaning or Intent of Company Documents	sustained
191:7-24	Irrelevant; Unfair Prejudice; Mischaracterizes evidence; Argumentative; Counsel testifying; <i>Williams/State Farm</i> (Freedom to Petition); Speculative; Unsegregated Aggregate Harm; Meaning or Intent of Company Documents	sustained

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar 6/8/2011 (Vol. 1)		
192:12-15	Irrelevant; Unfair Prejudice; Mischaracterizes evidence; Argumentative; Counsel testifying; <i>Williams/State Farm</i> (Freedom to Petition); Unsegregated Aggregate Harm	sustained
192:17-23	Irrelevant; Unfair Prejudice; Mischaracterizes evidence; Argumentative; Counsel testifying; <i>Williams/State Farm</i> (Freedom to Petition); Unsegregated Aggregate Harm	sustained
192:25-193:10	Irrelevant; Unfair Prejudice; Mischaracterizes evidence; Argumentative; Counsel testifying; <i>Williams/State Farm</i> (Freedom to Petition); Unsegregated Aggregate Harm	sustained
193:23-194:1	Irrelevant; Unfair Prejudice; Mischaracterizes evidence; Argumentative; Counsel testifying; <i>Williams/State Farm</i> (Freedom to Petition); Unsegregated Aggregate Harm	sustained
195:5-18	Irrelevant; Unfair Prejudice; Counsel testifying; Argumentative; <i>Williams/State Farm</i> (nexus)	sustained
195:20-196:6	Irrelevant; Unfair Prejudice; Counsel testifying; Argumentative; <i>Williams/State Farm</i> (nexus); Unsegregated Aggregate Harm	sustained
217:18-218:13	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (nexus); Bad conduct evidence; Unsegregated Aggregate Harm	sustained
219:6-221:4	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (nexus); Counsel testifying; Document speaks for itself; Unsegregated Aggregate Harm	sustained
221:7-8	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (nexus); Counsel testifying; Document speaks for itself; Unsegregated Aggregate Harm	sustained
221:10-14	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> (nexus); Counsel testifying; Document speaks for itself; Unsegregated Aggregate Harm	sustained
228:21-230:6	Cumulative; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> , Bad conduct evidence; Meaning or Intent of Company Documents; Unsegregated Aggregate Harm	sustained
231:10-19	Cumulative; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> , Bad conduct evidence; Unsegregated Aggregate Harm	sustained
231:21-232:14	Cumulative; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> , Bad conduct evidence; Post-1987; Unsegregated Aggregate Harm	sustained
232:16-19	Cumulative; Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> , Bad conduct evidence; Post-1987; Unsegregated Aggregate Harm	sustained
232:21-23	Cumulative; Irrelevant; Unfair Prejudice;	sustained

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 6/8/2011 (Vol. I)		
	Williams/State Farm, Bad conduct evidence; Post-1987; Unsegregated Aggregate Harm	<i>sustained</i>
262:19-24	Vague; Counsel testifying; Irrelevant; Unfair Prejudice; Argumentative; Unsegregated Aggregate Harm; Meaning or Intent of Company Documents	<i>sustained</i>
263:7-264:17	Vague; Counsel testifying; Irrelevant; Unfair Prejudice; Argumentative; Express Preemption (Post-July 1, 1969); Post-1987; Unsegregated Aggregate Harm	<i>sustained</i>
264:20-264:20	Vague; Counsel testifying; Irrelevant; Unfair Prejudice; Argumentative; Express Preemption (Post-July 1, 1969); Post-1987; Unsegregated Aggregate Harm	<i>sustained</i>
264:23-266:21	Vague; Counsel testifying; Irrelevant; Unfair Prejudice; Argumentative; Vague; Express Preemption (Post-July 1, 1969), Post-1987; Unsegregated Aggregate Harm	<i>sustained</i>
266:24-267:9	Vague; Counsel testifying; Irrelevant; Unfair Prejudice; Argumentative; Unsegregated Aggregate Harm	<i>sustained</i>
267:13-17	Beyond the scope; Vague; Ambiguous; Speculative; Argumentative; Unfair Prejudice; Unsegregated Aggregate Harm	<i>sustained</i>
267:19-268:22	Beyond the scope; Vague; Ambiguous; Speculative; Argumentative; Unfair Prejudice; Williams/State Farm (nexus), Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>sustained</i>
268:25-269:4	Beyond the scope; Vague; Ambiguous; Speculative; Argumentative; Unfair Prejudice; Williams/State Farm (nexus), Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>sustained</i>
269:17-22	Beyond the scope; Vague; Ambiguous; Speculative; Argumentative; Unfair Prejudice; Williams/State Farm (nexus), Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>sustained</i>
269:24-270:5	Beyond the scope; Vague; Ambiguous; Speculative; Argumentative; Unfair Prejudice; Williams/State Farm (nexus), Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>sustained</i>
271:7-272:13	No objection	
273:2-5	No objection	
273:7-9	No objection	
273:18-20	No objection	
273:22-274:18	No objection	
275:15-276:22	No objection	
277:21-278:6	No objection	
278:8-25	No objection	
279:3-12	No objection	
279:14-280:13	No objection	
280:15-21	No objection	

Defendants' Counter Designations	Plaintiff's Objections	Court's Ruling
<i>Dr. James Figlar, 6/8/2011 (Vol. 1)</i>		
15:20-16:3	No Objection	
69:19-70:16	No Objection	
70:18-70:22	No Objection	
100:17-101:6	No Objection	
129:11-130:3	No Objection	

Testimony	Defendant's Objections	Court's Ruling
<i>Dr. James Figlar, 6/9/2011 (Vol. 2)</i>		
297:11-23	Irrelevant; Unfair Prejudice; Williams/State Farm (Nexus); Bad conduct evidence; Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>sustained</i>
299:24-301:23	Irrelevant; Lack of Foundation; Hearsay; Document speaks for itself; Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>sustained</i>
302:21-303:13	Irrelevant; Unfair Prejudice; Lack of Foundation; Design Defect No Longer At Issue In This Case	<i>overruled</i>
303:21-304:2	Irrelevant; Lack of Foundation; Argumentative; Document speaks for itself; Misleading; Mischaracterizes evidence; Design Defect No Longer At Issue In This Case	<i>sustained</i>
304:4-10	Irrelevant; Lack of Foundation; Argumentative; Document speaks for itself; Misleading; Mischaracterizes evidence; Design Defect No Longer At Issue In This Case	<i>sustained</i>
304:12-13	Irrelevant; Lack of Foundation; Argumentative; Document speaks for itself; Misleading; Mischaracterizes evidence; Design Defect No Longer At Issue In This Case	<i>sustained</i>
306:14-16	No objection	
307:10-20	No objection	
309:9-14	No objection	
309:22-310:5	No objection	
310:7-9 (beginning at "R.J. Reynolds")	Irrelevant; Unfair Prejudice; Asked and Answered (see 309:22-310:5)	<i>sustained</i>
310:11-14	Irrelevant; Unfair Prejudice; Asked and Answered (see 309:22-310:5)	<i>sustained</i>
310:25-311:2	Irrelevant; Unfair Prejudice; Asked and Answered (see 309:22-310:5)	<i>sustained</i>
311:4-6	Irrelevant; Unfair Prejudice; Asked and Answered	<i>sustained</i>

Testimony	Defendant's Objections	Court's Ruling
	<i>Dr. James Figlar, 6/9/2011 (Vol. 2)</i>	
	(see 309:22-310:5)	
325:21-326:6	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); No high-ranking official from Reynolds;	<i>sustained</i>
326:8-327:21	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); No high-ranking official from Reynolds; Non-testimony material; Foundation; Speculative; Counsel testifying	<i>sustained</i>
329:15-330:12	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); No high-ranking official from Reynolds; Foundation; Speculative; Unsegregated Aggregate Harm	<i>sustained</i>
330:15-24	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); No high-ranking official from Reynolds; Foundation; Speculative	<i>sustained</i>
333:6-13	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (nexus); Express Preemption (Post-July 1, 1969)	<i>sustained</i>
334:22-335:12	Argumentative; Lack of Foundation; Irrelevant; Unfair Prejudice; Express Preemption (Post-July 1, 1969)	<i>sustained</i>
335:14-336:8	Argumentative; Lack of Foundation; Irrelevant; Unfair Prejudice; Express Preemption (Post-July 1, 1969); Unsegregated Aggregate Harm	<i>sustained</i>
336:10-16	Beyond the scope; Counsel testifying; Speculative; Argumentative; Lack of Foundation; Irrelevant; Unfair Prejudice; Express Preemption (Post-July 1, 1969)	<i>sustained</i>
336:19-337:4	Beyond the scope; Counsel testifying; Speculative; Argumentative; Lack of Foundation; Irrelevant; Unfair Prejudice; Express Preemption (Post-July 1, 1969); Unsegregated Aggregate Harm	<i>sustained</i>
337:6-338:2	Argumentative; Lack of Foundation; Irrelevant; Unfair Prejudice; Express Preemption (Post-July 1, 1969); Unsegregated Aggregate Harm	<i>sustained</i>
341:8-12	Asked and Answered	
341:16-19	Asked and Answered	
341:21-22	Asked and Answered	
355:25-356:14	Counsel Commentary; Cumulative; Misstates evidence; Mischaracterizes Witness Testimony; Argumentative; Irrelevant; Unfair Prejudice; Bad conduct evidence; Lack of Foundation; Post-1987; Unsegregated Aggregate Harm	<i>sustained</i>
356:17-357:3	Misstates evidence; Mischaracterizes Witness Testimony; Argumentative; Irrelevant; Unfair Prejudice; Bad conduct evidence; Lack of Foundation	<i>sustained</i>
361:24-362:4	Speculative; Irrelevant; Unfair Prejudice; Bad conduct evidence	<i>sustained</i>
365:19-366:16	Speculative; Irrelevant; Unfair Prejudice; Bad conduct evidence; Design Defect No Longer At Issue In This Case; Unsegregated Aggregate Harm	<i>overruled</i>
366:18-20	Speculative; Irrelevant; Unfair Prejudice; Bad	<i>overruled</i>

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 6/9/2011 (Vol. 2)		
	conduct evidence; Design Defect No Longer At Issue In This Case	
367:13-370:14	Irrelevant; Unfair Prejudice; Bad conduct evidence; Cumulative; Hearsay; Document speaks for itself; Argumentative; <i>Williams/State Farm</i> (Nexus); Express Preemption (Post-July 1, 1969); Unsegregated Aggregate Harm	<i>sustained</i>
372:19-373:14	Irrelevant; Unfair Prejudice; Bad conduct evidence; Cumulative; Hearsay; Document speaks for itself; Argumentative; <i>Williams/State Farm</i> (Nexus); Express Preemption (Post-July 1, 1969)	<i>sustained</i>
373:16-374:16	Irrelevant; Unfair Prejudice; Bad conduct evidence; Cumulative; Hearsay; Document speaks for itself; Argumentative; <i>Williams/State Farm</i> (Nexus); Express Preemption (Post-July 1, 1969)	<i>sustained</i>
374:18-377:2	Improper designation	<i>sustained</i>
377:14-23	Irrelevant; Unfair Prejudice; Beyond the scope; Document speaks for itself; Bad conduct evidence; Express Preemption (Post-July 1, 1969); Unsegregated Aggregate Harm;	<i>sustained</i>
378:1-3	Irrelevant; Unfair Prejudice; Beyond the scope; Document speaks for itself; Bad conduct evidence; Express Preemption (Post-July 1, 1969);	<i>sustained</i>
378:6-21	Misstates and mischaracterizes evidence; Argumentative; Irrelevant; Unfair Prejudice; Hearsay; Document speaks for itself; Incomplete Designation ; Express Preemption (Post-July 1, 1969)	<i>sustained</i>
378:23-379:24	Lack of Foundation; Irrelevant; Unfair Prejudice; Express Preemption (Post-July 1, 1969); Unsegregated Aggregate Harm	<i>sustained</i>
385:14-18	No objection	
388:18-389:16	No objection	
391:1-11	Irrelevant; Cumulative; Asked and Answered (see 24:9-13); Unfair Prejudice	<i>sustained</i>
391:23-393:20	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> (Nexus); First Amendment (advertising; Freedom to Petition); Document speaks for itself; Bad conduct evidence; Unsegregated Aggregate Harm	<i>sustained</i>
397:20-398:11	Irrelevant; Unfair Prejudice; First Amendment (advertising); Bad conduct evidence; Document speaks for itself; Express Preemption (Post-July 1, 1969)	<i>sustained</i>
400:9-401:7 (beginning at "It was")	Cumulative; Irrelevant; Unfair Prejudice; First amendment (advertising); Speculative; Express Preemption (Post-July 1, 1969); Meaning or Intent of Company Documents	<i>sustained</i>
406:20-407:20	Irrelevant; Cumulative; Vague; Misleading; Unfair Prejudice; Speculative	<i>sustained</i>
425:13-25	No objection	
426:5-17	No objection	

Testimony	Defendant's Objections	Court's Ruling
<i>Dr. James Figlar, 6/9/2011 (Vol. 2)</i>		
427:11-429:5	No objection	
430:24-431:11	No objection	
432:11-433:15	No objection	
437:18-437:24	Irrelevant; Unfair Prejudice; Williams/State Farm; Argumentative; Outside Scope; Express Preemption (Post-July 1, 1969); Design Defect No Longer At Issue In This Case; Non-Lung Cancer Conditions (Addiction)	<i>overruled</i>
437:25-438:10	No objection	

Defendants Counter Designations	Plaintiff's Objections	Court's Ruling
<i>Dr. James Figlar, 6/9/2011 (Vol. 2)</i>		
439:23-440:9	No objection	
442:5-442:25	No objection.	

Testimony	Defendant's Objections	Court's Ruling
<i>Dr. James Figlar, 6/10/2011 (Vol. 3)</i>		
612:7-613:6	Beyond the scope; Irrelevant; Unfair Prejudice; Confusion; Speculative; Unsegregated Aggregate Harm	<i>overruled</i>
613:8-13	Beyond the scope; Irrelevant; Unfair Prejudice; Confusion; Speculative; Incomplete Designation ; Unsegregated Aggregate Harm	<i>overruled</i>
613:15-17	Beyond the scope; Irrelevant; Unfair Prejudice	<i>sustained</i>
614:13-615:11	Beyond the scope; Irrelevant; Unfair Prejudice; Unsegregated Aggregate Harm	<i>sustained</i>
624:8-22	Irrelevant; Unfair Prejudice; Document speaks for itself; No high-ranking official from Reynolds; Cumulative; Unsegregated Aggregate Harm	<i>sustained</i>
625:1-15	Irrelevant; Unfair Prejudice; Document speaks for itself; No high-ranking official from Reynolds; Cumulative; Incomplete Designation ; Unsegregated Aggregate Harm	<i>sustained</i>
630:24-631:15	Irrelevant; Unfair Prejudice; First Amendment; Document speaks for itself; Asked and Answered (see 629:03-630:01); Cumulative; Unsegregated Aggregate Harm	<i>sustained</i>
633:12-634:22	Irrelevant; Unfair Prejudice; First Amendment; Document speaks for itself; Asked and Answered (see 629:03-630:01); Cumulative; Unsegregated Aggregate Harm	<i>sustained</i>
657:20-661:4	Irrelevant; Unfair Prejudice; Speculative; Vague; Calls for Legal Conclusion; Beyond the scope; Express Preemption; Cumulative; Unsegregated	<i>sustained</i>

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 6/10/2011 (Vol. 3)		
	Aggregate Harm	
661:9-25	Irrelevant; Unfair Prejudice; Beyond the scope; Unsegregated Aggregate Harm	sustained
662:8-14	Irrelevant; Unfair Prejudice; Beyond the scope; Speculative; Cumulative; Unsegregated Aggregate Harm	sustained
664:5-8	Irrelevant; Unfair Prejudice; Vague; Beyond the scope; Unsegregated Aggregate Harm	sustained
677:15-24	Irrelevant; Unfair Prejudice; First Amendment (advertising); Document speaks for itself; Calls for a legal conclusion	sustained
709:4-13	Irrelevant; Unfair Prejudice; Vague; Beyond the scope; Cumulative; Asked and Answered	sustained
711:17-20	Irrelevant; Unfair Prejudice; Vague; Beyond the scope; Cumulative; Asked and Answered	sustained
711:23-24	Irrelevant; Unfair Prejudice; Beyond the scope; Cumulative; Asked and Answered	sustained
720:20-721:15	No objection	
733:13-736:5	Irrelevant; Unfair Prejudice; Confusion; Inflammation; Foundation; Document speaks for itself	sustained
736:13-737:7	Irrelevant; Unfair Prejudice; Confusion; Inflammation; Foundation; Document speaks for itself; Vague	sustained
738:10-16	Irrelevant; Unfair Prejudice; Confusion; Inflammation; Foundation; Calls for Legal Conclusion; Cumulative; Speculative; Meaning or Intent of Company Documents	sustained
739:1-10	Irrelevant; Unfair Prejudice; Confusion; Vague; Inflammation; Foundation; Calls for Legal Conclusion; Cumulative	sustained
739:24-740:14	Irrelevant; Unfair Prejudice; Foundation; Document speaks for itself	sustained
741:3-18	Irrelevant; Unfair Prejudice; Foundation; Document speaks for itself;	sustained
741:19-22	Improper Designation	sustained
741:24-742:5	Irrelevant; Unfair Prejudice; Foundation; Document speaks for itself;	sustained
743:4-745:22	Irrelevant; Unfair Prejudice; Foundation; Document speaks for itself; Meaning or Intent of Company Documents	sustained

<i>Defendants' Counter Designations</i>	<i>Plaintiff's Objections</i>	<i>Court's Ruling</i>
<i>Dr. James Figlar, 8/15/2011 (Vol. 6)</i>		
1308:15-1309:20	No Objection	
1311:9-1314:6	No Objection	
1314:12-1314:19	No Objection	
1315:1-1315:9	No Objection	
1315:18-1316:5	No Objection	
1316:7-1316:19	No Objection	
1316:21-1317:5	No Objection	
1320:2-1320:25	Irrelevant, unfairly prejudicial (403)	overruled
1321:3-1321:17	Irrelevant, vague, ambiguous, post-1987 evidence, lacking in foundation, unfairly prejudicial (403)	sustained
1321:19-1322:14	Irrelevant, vague, ambiguous, post-1987 evidence, lacking in foundation, unfairly prejudicial (403)	sustained
1322:16-1322:23	Irrelevant, vague, ambiguous, post-1987 evidence, lacking in foundation, unfairly prejudicial (403)	sustained
1324:7-1324:10	Irrelevant, vague, ambiguous, post-1987 evidence, lacking in foundation, unfairly prejudicial (403)	sustained
1324:12-1324:12	Irrelevant, vague, ambiguous, post-1987 evidence, lacking in foundation, unfairly prejudicial (403)	sustained
1325:3-1325:5	Irrelevant, post-1987 evidence, unfairly prejudicial (403)	sustained
1325:7-1325:17	Irrelevant, post-1987 evidence, unfairly prejudicial (403)	sustained
1325:19-1325:21	Irrelevant, post-1987 evidence, unfairly prejudicial (403)	sustained
1326:2-1326:6	Irrelevant, post-1987 evidence, unfairly prejudicial (403)	sustained
1326:9-1326:9	Irrelevant, post-1987 evidence, unfairly prejudicial (403)	sustained
1326:11-1326:14	Irrelevant, post-1987 evidence, unfairly prejudicial (403)	sustained
1356:23-1357:1	Vague, ambiguous, irrelevant, unfairly prejudicial (403), post-1987 evidence.	overruled
1357:3-1357:4	Vague, ambiguous, irrelevant, unfairly prejudicial (403), post-1987 evidence.	overruled
1357:17-1357:20	Design evidence, irrelevant, unfairly prejudicial (403)	sustained
1357:22-1358:17	Design evidence, irrelevant, unfairly prejudicial (403)	sustained
1358:19-1359:24	No Objection	
1360:1-1360:9	No Objection	
1360:11-1360:25	No Objection	
1361:8-1362:23	No Objection	
1363:2-1363:4	No Objection	
1363:6-1363:13	No Objection	
1370:22-1371:1	No Objection	
1371:3-1371:20	No Objection	
1371:22-1372:1	No Objection	
1376:16-1376:21	No Objection	

<i>Defendants' Counter Designations</i>	<i>Plaintiff's Objections</i>	<i>Court's Ruling</i>
<i>Dr. James Figlar, 8/15/2011 (Vol. 6)</i>		
1377:11-1377:17	No Objection	
1378:3-1378:6	No Objection	
1378:8-1378:9	No Objection	
1378:11-1379:14	No Objection	
1379:16-1380:4	No Objection	
1380:6-1380:11	No Objection	
1380:13-1380:13	No Objection	
1383:15-1384:7	No Objection	
1384:9-1384:16	No Objection	
1384:18-1385:4	No Objection	
1385:6-1386:6	No Objection	
1386:8-1386:14	No Objection	
1386:16-1386:25	No Objection	
1387:2-1387:17	No Objection	
1387:19-1387:23	No Objection	
1388:15-1388:19	No Objection	
1388:23-1389:9	No Objection	
1389:10-1389:25	No Objection	
1390:10-1390:13	No Objection	
1390:15-1391:4	No Objection	
1391:6-1391:23	No Objection	
1391:25-1391:25	No Objection	
1392:2-1392:3	No Objection	
1392:5-1392:22	No Objection	
1392:24-1393:7	No Objection	
1393:9-1393:15	No Objection	
1393:17-1393:24	No Objection	
1394:1-1394:8	No Objection	
1394:10-1394:14	No Objection	
1394:16-1395:5	No Objection	
1395:7-1395:16	No Objection	
1395:18-1395:18	No Objection	
1463:3-1463:22	No Objection	
1463:24-1463:24	No Objection	
1465:5-1465:6	No Objection	
1465:9-1465:25	No Objection	
1466:3-1466:3	No Objection	
1466:5-1466:25	No Objection	
1467:3-1467:4	No Objection	
1467:6-1467:10	No Objection	
1467:12-1467:23	No Objection	
1467:25-1468:1	No Objection	
1468:3-1469:13	No Objection	
1469:15-1469:20	No Objection	
1469:22-1469:23	No Objection	
1469:25-1470:2	No Objection	
1470:4-1470:5	No Objection	

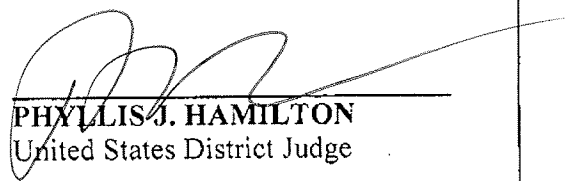
Defendants' Counter Designations	Plaintiff's Objections	Court's Ruling
Dr. James Figlar, 8/15/2011 (Vol. 6)		
1473:21-1474:1	No Objection	
1474:3-1474:9	No Objection	
1474:11-1475:12	No Objection	
1475:14-1476:12	No Objection	
1476:14-1477:22	No Objection	
1478:3-1479:2	No Objection	
1479:4-1479:14	No Objection	
1525:2-1526:3	No Objection	
1526:11-1526:13	No Objection	
1526:15-1526:19	No Objection	
1526:21-1527:6	No Objection	
1527:9-1528:4	No Objection	
1528:6-1528:21	No Objection	
1528:23-1529:14	No Objection	
1529:16-1530:8	No Objection	
1530:10-1530:14	No Objection	

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 8/16/2011 (Vol. 7)		
1643:13-1645:15	Irrelevant; Unfair Prejudice; Cumulative; Speculative; Leading; Mischaracterizes Witness Testimony; Argumentative	<i>overruled</i>
1646:15-25	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Mischaracterizes Witness Testimony; Argumentative	<i>overruled</i>
1647:02-1648:16	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Mischaracterizes Witness Testimony; Argumentative	<i>overruled</i>
1648:18-24	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Mischaracterizes Witness Testimony; Argumentative	<i>overruled</i>
1649:01-1649:01	Irrelevant; Unfair Prejudice; <i>Williams/State Farm</i> ; Cumulative; Mischaracterizes Witness Testimony; Argumentative;	<i>overruled</i>
1651:09-19	Irrelevant; Unfair Prejudice; Hearsay; <i>Williams/State Farm</i> ; Cumulative; Mischaracterizes Witness Testimony; Argumentative; Unsegregated Aggregate Harm	<i>overruled</i>
1674:21-1675:14	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> ; Argumentative; Asked and Answered; First Amendment; Vague	<i>overruled</i>
1675:16-17	Irrelevant; Unfair Prejudice; Cumulative; <i>Williams/State Farm</i> ; Argumentative; Asked and Answered; First Amendment; Vague	<i>overruled</i>
1702:2-1703:5	Irrelevant; Unfair Prejudice; First Amendment; Express Preemption (Post-July 1, 1969)	<i>sustained</i>
1703:7-1704:6	Irrelevant; Unfair Prejudice; First Amendment;	<i>sustained</i>

Testimony	Defendant's Objections	Court's Ruling
Dr. James Figlar, 8/16/2011 (Vol. 17)		
	Express Preemption (Post-July 1, 1969)	
1704:8-1705:8	Irrelevant; Unfair Prejudice; First Amendment; Express Preemption (Post-July 1, 1969)	<i>sustained</i>
1709:20-1710:13	Irrelevant, Unfair Prejudice; Cumulative	<i>sustained</i>

IT IS SO ORDERED.

Dated: January 28, 2016.


 PHYLIS J. HAMILTON
 United States District Judge